

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE:** : **CASE NO.: 12-58583**  
**BEVERLY ANN THOMAS** : **CHAPTER 13**  
**DEBTOR** : **JUDGE PRESTON**

**AMENDED OBJECTION TO CLAIM NO. 3 AND CLAIM NO. 4 OF THE  
UNITED STATES DEPARTMENT OF EDUCATION, EACH FILED ON OCTOBER 25,  
2012. (Docket 73)**

To: US Department of Education  
Claims Filing Unit  
PO Box 8973  
Madison, WI 53708-8973

**Claims Filed on: October 25, 2012**

Now comes Debtor, by counsel, and objects to the proofs of claim of the U S Department of Education for the reasons set forth in the memorandum contained here.

Respectfully submitted,

/s/Robert J. Morje

Robert J. Morje (0020210)

McInturff & Morje LLC

Attorney for Debtor

PO Box 6545

Columbus, Ohio 43206

(614) 464-2235

(614) 588-8826 (fax)

[robert@judithmcinturff.com](mailto:robert@judithmcinturff.com)

**MEMORANDUM IN SUPPORT**

This Chapter 13 case was filed on October 3, 2012 and the plan was confirmed on January 18 2013. Debtor was an above median debtor and the plan as confirmed provided for a dividend of 20% to unsecured creditors.

The claims of the Department of Education designated as Claims No. 3 and 4 related to the

education of Gary M Thomas, the now deceased son of the debtor. Those claims were filed in the amounts of \$ 38,529 and \$ 26,323 respectively and have received payments through the Chapter 13 Plan.

As a result of the demise of Mr. Thomas, Great Lakes, the loan servicer, has forgiven some if not all of the debt represented by claims 3 and 4. Attached hereto is the letter from Great Lakes to Ms. Thomas advising her of the tax consequences of said forgiveness and attaching thereto a Form 1099-C for tax year 2016 reflecting a taxable event to her in the amount of \$ 58,036.29. Notwithstanding this debt forgiveness, the creditor has failed to withdraw or adjust either of the claims referenced above, and continues to receive payments on debt that has been "forgiven."

On the facts set forth above, Debtor respectfully submits that the claims of the Dept of Education should be disallowed.

Respectfully submitted,

/s/Robert J. Morje

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McInturff & Morje LLC

Attorney for Debtor

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<b>BEVERLY ANN THOMAS</b>	<b>:</b>	<b>CHAPTER 13</b>
<b>DEBTOR</b>	<b>:</b>	<b>JUDGE PRESTON</b>

**NOTICE OF AMENDED OBJECTION TO CLAIM**

Beverly A Thomas has filed an amended objection to your claims in the bankruptcy case.

**Your claims may be reduced, modified, or eliminated.**

**You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy**

**case. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to reduce, modify or eliminate your claim then on or before **thirty (30) days from the date set forth in the certificate of service for the objection to claim**, you must:

File with the court a response explaining your position, by mailing your response by regular U.S. mail to:  
170 North High Street, Columbus, Ohio 43215

OR your attorney must file a response using the court's ECF System.  
The court must **receive** your response on or before the date above.

You must also send a copy of your response either by (1) the court's ECF System or by (2) regular U.S. mail to:  
Robert J. Morje, Attorney at Law, PO Box 6545, Columbus, Ohio 43206  
Office of the U.S. Trustee, 170 N. High Street, Suite 200, Columbus, Ohio 43215  
Frank Pees Chapter 13 Trustee, 130 East Wilson Bridge Road, # 200 Worthington OH 43085

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim and may enter an order reducing, modifying, or eliminating your claim.

Dated: 7-25-2017

/s/Robert J. Morje  
Robert J. Morje (0020210)

**I hereby certify that on July 25, 2017, a copy of the foregoing AMENDED OBJECTION TO CLAIMS NO. 3 and 4 OF THE US DEPARTMENT OF EDUCATION Filed 10-25-12 was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:**

Asst US Trustee (Col) ustpreion09.cb.ecf@usdoj.gov  
Frank Pees trustee@ch13.org  
Judith M McInturff court@judithmcinturff.com, MacandMorj@gmail.com  
Robert J Morje rmorje.attorney@gmail.com, MacandMorj@gmail.com

**and on the following by ordinary U.S. Mail addressed to:**

Beverly Ann Thomas  
191 Vista Drive  
Gahanna OH 43230

Claims Filing Unit  
PO Box 8973  
Madison WI 53708-8973

US Department of Education  
2401 International Lane  
Madison WI 53704-3121

US Department of Education  
401 S State ST Rm 700F  
Chicago IL 60605-1229

US Department of Education  
Direct Loan Payment Ctr  
PO 530260  
At:lanta GA 30353-0260

US Department of Education  
PO 105028  
Atlanta GA 30348-5028

US Department of Education  
PO 5609  
Greenville TX 75403-5609

/s/Robert J. Morje  
Robert J. Morje (0020210)